

## **WEST ST. PAUL COMMITTEE OF ADJUSTMENTS**

The regular meeting of the West St. Paul Committee of Adjustments was called to order by Chair Hubert on Tuesday, January 19, 2016, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

### **ROLL CALL**

Commissioners present: Chair Hubert, McPhillips, Nelson, Kavanaugh and Ramsay.

### **Absent:**

Vice-Chair Leuer and Commissioner Fernandez.

### **Also Present:**

Assistant Community Development Director Boike, Council Liaison Bellows, and Recording Secretary Blume.

### **APPROVE MINUTES**

**ON MOTION of Kavanaugh, seconded by Ramsay, RESOLVED to approve the West St. Paul Committee of Adjustments meeting minutes of Tuesday, October 20, 2015 as written.**

Ayes: 5      Nays: 0

### **PUBLIC HEARINGS**

#### **CASE # 16-01**

**Variance Request To Reduce The Front Yard Building Setback For The Construction Of A New Home At 1392 Summit Circle – Joel and Pat Liesener.**

Assistant Community Development Director Boike reviewed the variance request by Joel and Pat Liesener to reduce the minimum front yard building setback for the construction of a new home located at 1392 Summit Circle. Included in the commissioners packets are the draft findings of facts should the committee approve the variance, a copy of the application, the notice that was sent out to all neighbors within 150 feet as well as a copy of the survey or site plan.

Assistant Community Development Director Boike said the applicants are proposing to construct a new two-story walkout home on the vacant parcel. However, due to the topography of the property, specifically the property sloping away from the front of the parcel, the applicants are requesting a variance to locate the front of the home within the front yard setback to minimize impact to the natural slope and tree coverage of the lot.

Assistant Community Development Director Boike stated the Zoning Ordinance requires a minimum front yard building setback of 30 feet in the R1-B District (single family residential) and the applicants are requesting a front yard building setback of 10.5 feet requiring a variance of 19.5 feet. He pointed out the criteria involved in reviewing a variance request, specifically item (c) Definition of Practical Difficulties and in meeting the three listed

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requirements. He showed and discussed pictures of the property involved in the variance request. Per the pictures, the subject property does have considerable slope from front to back. As a result, placing the proposed home at a 30 foot setback requirement would require considerable amounts of fill be brought in (up to 8 feet in some locations). In addition, in order to maintain appropriate slopes from the home away from the home, additional fill would be required for the side and rear yards of the property which would require the removal of additional tree cover. Placement of the home at the proposed location (10.5 feet from the front line) will allow the homeowners to place the home in a location that suits the natural topography of the site and maintain tree coverage and site lines for neighboring homes, resulting in less impact to the property and the neighborhood.

Something to take into consideration is the fact that the property is located on a cul-de-sac and because of the curvature of the cul-de-sac there would be less impact to site lines and the neighborhood should the variance request get approved.

Assistant Community Development Director Boike said that staff does not feel that the request is detrimental to the public nor does it present any inconsistencies with the Comprehensive Plan. Staff believes that the applicant is proposing to utilize the property in a reasonable manner (construction of a new single family home in a single family neighborhood) and that the practical difficulties are unique to the property (topography). As a result, the proposed request should not alter the essential character of the neighborhood.

Another thing to point out is the 10.5 feet is not back of curb. It is from the property line and there is another 10 – 12 feet of boulevard between the curb and the property line so we are looking at 20 – 22 feet back of curb where the front of the house would be should the variance be approved.

**Staff recommended APPROVAL of the VARIANCE to allow for a reduction in front yard building setback (variance of 19.5 feet):**

- 1. The applicant shall apply for all applicable building permits for the construction of the new home.**
- 2. The proposed home shall be constructed according to the submitted plans as reviewed through the Variance process.**

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Included in the packets is a copy of the draft resolution should the committee approve the variance and also the elevations of the proposed home.

Chair Hubert asked if any of the Commissioners had questions for Assistant Community Development Director Boike. Commissioner Ramsay asked if anyone has talked with any of the adjacent neighbors and were there any concerns. Assistant Community Development Director Boike said according to the applicant he has discussed it with neighbors and there were no objections. One neighbor is in the audience tonight. Notices were sent out and there were no conversations with anyone.

Chair Hubert asked the applicant to step forward. Mr. Liesener came forward to add comments and to answer any questions. Commissioner Kavanaugh asked if he had an estimate of what the fill should the variance not be approved. Mr. Liesener replied he did not but he couldn't imagine what the cost would be let alone the settling that would occur.

Commissioner McPhillips asked how long he has had the property. Mr. Liesener said he purchased the property in September of 2015.

Chair Hubert opened the Public Hearing at 7:10 p.m. and since no one came forward he closed the Public Hearing at 7:10 p.m.

**ON MOTION by Nelson, seconded by Ramsay, the Committee of Adjustments approved Case #16-01, the Application for a Variance Request to Reduce the Front Yard Building Setback for the Construction of a New Home at 1392 Summit Circle – Joel and Pat Liesener.**

**Ayes: 5      Nays: 0      Abstain: 0**

### **NEW BUSINESS:**

Election of Officers for the year 2016 was brought forward and since Chair Hubert wished to continue on as chair and no one had any objections, Mr. Hubert will remain Chair and Mr. Leuer will remain Vice-Chair.

Assistant Community Development Director Boike discussed needing a liaison from the Planning Commission to sit on the Environmental Committee and act as eyes and ears so if something comes up at a landscape plan the liaison and the committee can refer back to what was discussed. The meetings are the first Wednesdays of every month beginning at 6:00 p.m. and lasts about an hour and a half to two hours. Chair Hubert asked if there was anyone that was interested and could make the six o'clock

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start time and would be willing to volunteer.

Council Liaison Bellows stated the meetings usually last an hour to an hour and a half. He said the liaison, as long as they consistently attend the monthly meetings but could not be there at exactly six o'clock, would be acceptable. He emphasized how nice it would be for a liaison from the Planning Commission to be there and how helpful it would be to receive knowledge beforehand as to what is going to come before the Planning Commission and if it has any kind of environmental impact in terms of landscaping or any other kind of impact in regards to the land. Also, the liaison would get additional insight as to the process of what goes into planning. He encouraged anyone that could possibly attend to do it.

Commissioner McPhillips asked what kind of commitment they are looking for. Council Liaison Bellows replied having a liaison to attend the monthly meetings would maintain a continuity. Commissioner Kavanaugh asked if rotating months with the Planning Commission members would be acceptable. Both Assistant Community Development Director Boike and Council Liaison Bellows said alternating meetings would work and might be a better solution since everyone would get a taste of the meetings. Mr. Boike said since two commission members are missing that tabling the discussion until next month would be a good idea. It was agreed that Chair Hubert would attend the February meeting and if not able to Commissioner McPhillips would attend in his place.

### **OLD BUSINESS:**

None.

### **ADJOURNMENT:**

**ON MOTION of McPhillips, the Commissioners  
ADJOURNED the Committee of Adjustments meeting of  
January 19, 2016, at 7:18 p.m.**

All Ayes: 5/0.